

57-26-105 Recordation -- Perfection of security interest in rents -- Priority of conflicting interests in rents.

- (1) A document creating an assignment of rents may be submitted for recording in the office of the county recorder for the county in which the property is situated in the same manner as any other document evidencing a conveyance of an interest in real property.
- (2) Upon recording, the security interest in rents created by an assignment of rents is fully perfected, even if a provision of the document creating the assignment or law of this state other than this chapter would preclude or defer enforcement of the security interest until the occurrence of a subsequent event, including a subsequent default of the assignor, the assignee's obtaining possession of the real property, or the appointment of a receiver.
- (3) Except as otherwise provided in Subsection (4), a perfected security interest in rents takes priority over the rights of a person that, after the security interest is perfected:
 - (a) acquires a judicial lien against the rents or the real property from which the rents arise; or
 - (b) purchases an interest in the rents or the real property from which the rents arise.
- (4) A perfected security interest in rents has priority over the rights of a person described in Subsection (3) with respect to future advances to the same extent as the assignee's security interest in the real property has priority over the rights of that person with respect to future advances.

Enacted by Chapter 139, 2009 General Session